REMARKS/ARGUMENTS

Claims 1-6, 8, 9, 12, 14, 16-22, 24, 26, and 28 remain pending in the present patent application. Claims 1-6, 8, 9, 12, 14, 16-22, 24, 26, 28, and 30 are rejected. Claim 30 has been canceled herein without prejudice. No new matter has been added herein as a result of the amendments.

Amendments to the Claims

Claim 1 has been amended to reflect the following (Claim 17 includes similarly amended features):

> A method of location authentication, the method comprising:
> receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and the message having an automatically generated location stamp attached to an overhead portion of the message, the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals, the location stamp indicating the geographical location of the mobile device as an origin of the message;
> confirming an identity of a sender of the message based on the location stamp; and
> determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account.

Support for the amendment, "the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile

device, a stationary unit, and a network service connection", can be found in Applicants' specification at least on page 7, lines 14-20, and Figure 1. Support for the amendment, "the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals", can be found in Applicants' specification at least on page 7, lines 10-11 and lines 21-29.

35 U.S.C. §103(a) Rejections

Claims 1-6, 8, 9, 16-22, 24, and 30

The Office Action mailed June 9, 2008 (hereinafter, "instant Office Action") rejected Claims 1-6, 8, 9, 16-22, 24, and 30 under 35 U.S.C. §103(a) as being unpatentable over Chern et al. (U.S. Patent No. 6,456,854) (hereinafter, "Chern") in view of Phelan (U.S. Patent No. 6,240,360) (hereinafter, "Phelan"), further in view of Raith (U.S. Patent No. 6,687,504) (hereinafter, "Raith"), and in further view of MacDoran et al. (U.S. Patent No. 5,757,916) (hereinafter, "MacDoran"). The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicants. Applicants respectfully submit that Claims 1-6, 8, 9, 16-22, 24, and 30 are patentable over Chern, in view of Phelan, further in view of Raith, and yet further in view of MacDoran for at least the following rationale.

Amended Claim 1 (Claim 17 includes similarly amended features) recites:

> A method of location authentication, the method comprising:
> receiving a message from a mobile device, the message having

significance independent of reporting a geographical location of the mobile device and the message having an automatically generated location stamp attached to an overhead portion of the message, the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals, the location stamp indicating the geographical location of the mobile device as an origin of the message;

confirming an identity of a sender of the message based on the location stamp; and

determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least one action identified from the message, the at least one action comprising a charge to an account.

(Emphasis added.)

Applicants respectfully submit that the combination of Chern, Phelan, Raith, and MacDoran does not satisfy the requirements of a *prima facie* case of obviousness because the combination of Chern, Phelan, Raith, and MacDoran as a whole fails to suggest the features of Claims 1-6, 8, 9, 16-22, 24, and 30 as claimed and is therefore not obvious.

"As reiterated by the Supreme Court in *KSR*, the framework for the objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries" including "[a]scertaining the differences between the claimed invention and the prior art" (MPEP 2141(II)). "In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious" (emphasis in original; MPEP 2141.02(I)).

Moreover, Applicants respectfully note that "[t]he prior art reference (or references when combined) need not teach or suggest all the claim limitations. However, Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art" (emphasis added; MPEP 2141[III]).

Applicants respectfully submit that Chern does not suggest "the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals", (emphasis added) as is recited in amended Claim 1. Furthermore, Applicants respectfully submit that the combination of Chern, Phelan, Raith, and MacDoran fails to suggest the features of Applicants' Claim 1 as a whole because neither Chern, Phelan, Raith, nor MacDoran, provide a motivation to modify Chern to arrive at embodiments of Applicants' invention.

Applicants understand Chern to teach "a system and method for locating mobile telephone devices via the Web" in which "[t]he location information may be sent in a text only format or as text with graphics, depending on the display capabilities of the requesting Web browsing device" (emphasis added; Chern, Abstract). Specifically, Chern does not suggest "the message comprising the location stamp having been

intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals", (emphasis added) as is recited in amended Claim 5.

In fact, as described herein, Chern specifically teaches that "location information may be sent in a text only format or as text with graphics" (emphasis added, Chern, Abstract), and remains silent as to converting the message, comprising the time stamp, being received into a suitable format to being received, "the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals" (emphasis added) as is recited in Claim 1. Applicants' specification describes an example of converting in the following manner: "For example, if receiver 160 is a voice only telephone, processing center 170 can determine an address from location stamp and generate a voice message or a caller-ID message indicating the address" (Applicants' specification, page 7, lines 23-25). Applicants respectfully assert that Chern remains silent as to converting a message in one particular format to another particular format that is suitable to being received by a receiver.

As presented above, Applicants respectfully submit that Chern does not suggest:

> receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and the message having an automatically generated location stamp attached to an overhead portion of the message, the message comprising the location stamp

having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals, the location stamp indicating the geographical location of the mobile device as an origin of the message

(emphasis added) as is recited in Applicants' Claim 1. Furthermore, Applicants respectfully submit that the combination of Chern, Phelan, Raith, and MacDoran fails to suggest the features of Applicants' Claim 1 as a whole because Phelan, Raith, and MacDoran doe not overcome the shortcomings of Chern.

The instant Office Action states on page 4, section 6, that "Phelan teaches attaching to an overhead portion of the message an automatically generated location stamp indicating the geographical location of the mobile device as an origin of the message". Applicants understand Phelan to teach a "computer system for indentifying [sic] local resources" (Phelan, Title). Specifically, Phelan does not teach or suggest:

receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and the message having an automatically generated location stamp attached to an overhead portion of the message, the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals, the location stamp indicating the geographical location of the mobile device as an origin of the message

(emphasis added) as is recited in Applicants' Claim 1. In fact, Phelan remains silent as to converting "into a format… being selected from a group of formats consisting of voice, image, and data signals" as is recited in Applicants' Claim 1.

The instant Office Action states on page 4, section 6, that "MacDoran teaches confirming an identity of a sender of the message based on the location stamp". Applicants understand MacDoran to teach a "[m]ethod and apparatus for authenticating the location of remote users of networked computing systems" (MacDoran, Title). Specifically, MacDoran does not teach or suggest:

> receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and the message having an automatically generated location stamp attached to an overhead portion of the message, the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals, the location stamp indicating the geographical location of the mobile device as an origin of the message

(emphasis added) as is recited in Applicants' Claim 1. In fact, MacDoran remains silent as to converting "into a format… being selected from a group of formats consisting of voice, image, and data signals" as is recited in Applicants' Claim 1.

The instant Office Action states on page 4, section 6, that "Raith teaches determining whether the geographical location identified by the location stamp corresponds to a predetermined location relevant to at least on action identified from the

message, the at least one action comprising a charge to an account". Applicants understand Raith to teach a "[m]ethod and apparatus for releasing location information of a mobile communications device" (Raith, Title). Specifically, Raith does not teach or suggest:

> receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and the message having an automatically generated location stamp attached to an overhead portion of the message, the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals, the location stamp indicating the geographical location of the mobile device as an origin of the message

(emphasis added) as is recited in Applicants' Claim 1. In fact, Raith remains silent as to converting "into a format… being selected from a group of formats consisting of voice, image, and data signals" as is recited in Applicants' Claim 1.

Moreover, Applicants respectfully submit that the instant Office Action fails to explain why the differences between Chern, Phelan, MacDoran, Raith, and Applicants' claimed features would have been obvious to one of ordinary skill in the art, and that Claim 1 as a whole is not obvious over the combination of Chern, Phelan, MacDoran, and Raith.

Thus, in view of the combination of Chern, Phelan, MacDoran, and Raith not satisfying the requirements of a *prima facie* case of obviousness, Applicants respectfully

assert that Claim 1 is patentable. Applicants also respectfully assert that Claim 17 that includes similar features to that of Claim 1 is also patentable. Applicants further assert that Claims 2-6, 8, 9, and 16 depending on Claim 1, and Claims 18-22, 24, and 30 depending on Claim 17 are patentable as being dependant upon an allowable base Claim.

Claims 12, 14, 26, and 28

The instant Office Action rejected Claims 12, 14, 26, and 28 under 35 U.S.C. §103(a) as being unpatentable over Chern, in view of Phelan, in further view of Raith, in further view of MacDoran, and in further view of Ray et al. (U.S. Patent No. 6,067,529) (hereinafter, "Ray"). The rejections and comments set forth in the instant Office Action have been carefully considered by the Applicants. Applicants respectfully submit that Claims 12, 14, 26, and 28 are patentable over Chern, in view of Phelan, in further view of Raith, in further view of MacDoran, and in further view of Ray for at least the following rationale.

Applicants respectfully submit that the combination of Chern, Phelan, Raith, MacDoran, and Ray do not satisfy the requirements of a *prima facie* case of obviousness because the combination of Chern, Phelan, Raith, MacDoran, and Ray as a whole is not obvious.

As presented above, Applicants respectfully submit that the combination of Chern, Phelan, Raith, and MacDoran fail to suggest the features of Applicants' Claim 1 as a whole. Furthermore, Applicants respectfully submit that the combination of Chern, Phelan, MacDoran, Raith, and Ray fails to suggest the features of Applicants' Claim 1 as

a whole because Ray does not overcome the shortcomings of Chern, Phelan, MacDoran, and Raith.

The instant Office Action states on page 7, second full paragraph, that:

> Ray teaches that when a consumer makes a purchase, the sales terminal can generate a short message along with the detailed purchase information [see Abstract]. A menu can be displayed on the phone and the consumer can select the desired credit card number and request a receipt. The credit card number can be sent along with the transport address or alias address to the sales terminal for authorization of the credit card number [Ray: column 3, lines 52-67, column 4, lines 1-14].

Specifically, Ray does not suggest:

> receiving a message from a mobile device, the message having significance independent of reporting a geographical location of the mobile device and the message having an automatically generated location stamp attached to an overhead portion of the message, the message comprising the location stamp having been intercepted and if needed converted into a format suitable to being received based on the capabilities of one or more of the following: a receiver receiving the message, the mobile device, a stationary unit, and a network service connection, the format suitable to being received being selected from a group of formats consisting of voice, image, and data signals, the location stamp indicating the geographical location of the mobile device as an origin of the message

(emphasis added) as is recited in Applicants' Claim 1. In fact, Ray remains silent as to converting "into a format… being selected from a group of formats consisting of voice, image, and data signals" as is recited in Applicants' Claim 1.

Additionally, Applicants respectfully submit that the instant Office Action does not explain why the differences described herein between Chern, Phelan, MacDoran,

Raith, Ray, and Applicants' claimed features would have been obvious to one of ordinary skill in the art.

Thus, in view of the combination of Chern, Phelan, MacDoran, Raith, and Ray not satisfying the requirements of a *prima facie* case of obviousness, Applicants respectfully assert that Claim 1 is patentable. Applicants also respectfully assert that Claim 17 that includes similar features to that of Claim 1 is also patentable. Applicants further respectfully assert that Claims 12 and 14 depending on Claim 1, and Claims 26 and 28 depending on Claim 17 are patentable as being dependant upon an allowable base Claim.

CONCLUSION

In light of the amendments and remarks presented herein, Applicants respectfully assert that Claims 1-6, 8, 9, 12, 14, 16-22, 24, 26, and 28 overcome the rejections of record. Therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,
WAGNER BLECHER LLP

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/John P. Wagner, Jr./
John P. Wagner, Jr.
Registration No. 35,398

Wagner Blecher LLP

123 Westridge Drive
Watsonville, CA 95076
(408) 377-0500